

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Beulah K. Ellis,)	
)	
Plaintiff,)	
)	COMPLAINT
vs.)	JURY TRIAL REQUESTED
)	C/A No. 6:24-cv-01018-DCC
J.C. Penney Corporation,)	
Inc. and Simon)	
Property Group, L.P.,)	
)	
Defendants.)	

The Plaintiff, complaining of the Defendant, alleges:

1. The Plaintiff is a citizen and resident of Oconee County, South Carolina.

2. The Defendant, J.C. Penney Corporation, Inc., is a corporation organized and existing under the laws of the State of Delaware and at all times mentioned herein was doing business in Greenville County, South Carolina.

3. Plaintiff is informed and believes that the Defendant Simon Property Group, L.P. is the owner of Haywood Mall and leases various retail spaces to tenants therein including the retail space occupied by the Defendant J.C. Penney Corporation, Inc.

4. The Court has subject matter jurisdiction over the claims in this complaint pursuant to 28 U.S.C. 1332(a)(1) as the amount in controversy exceeds the sum or value of \$75,000.00 and is between citizens of different states. Venue is proper pursuant to 28 U.S.C. 1391(b) because a substantial part of the events or

omissions giving rise to the claim occurred in this district, and the Defendant is subject to personal jurisdiction in this district.

5. On February 1, 2023, the Plaintiff and her family were invitees to the J.C. Penney retail department store located at the Haywood Mall in Greenville, South Carolina.

6. The Plaintiff attempted to ascend on the escalator from the first floor to the second floor when the escalator jerked causing her to fall, resulting in severe injuries and damages.

7. As a direct and proximate result of her fall, Plaintiff suffered medical expenses, serious bodily injury, physical and mental pain and suffering, mental anguish, and will continue to do so in the future, and has suffered physical disability, and a loss of enjoyment of life.

8. The fall and Plaintiff's damages, and injuries, were the direct and proximate result of the Defendants' combined and concurring willful, wanton, reckless, grossly negligent, and careless acts in the following particulars:

- a. In failing to properly maintain the escalator;
- b. In failing to properly inspect the escalator;
- c. In failing to train its employees with regard to inspection of the escalator;
- d. In failing to have proper policies and procedures in place for the inspection of the escalator;
- e. In failing to follow such policies and procedures, if any;

f. In failing to use the degree of care and caution that would otherwise be used by reasonably prudent entities with respect to escalators; all of which was a direct and proximate cause of the injuries and damages complained of herein.

9. As a result of the combined and concurring acts and omissions of the Defendants, Plaintiff is informed that she is entitled to the actual damages, plus such punitive damages as the Court may award, and for such other and further relief as to the Court may seem just and proper.

WHEREFORE, Plaintiff prays for actual damages, plus such punitive damages as may be awarded, for the costs of this action, and for such other and further relief as to the Court seems just and proper.

KNIE & SHEALY

/s/ Patrick E. Knie

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February 28, 2024